

REMARKS

Claims 1, 7, 9, 15, 16, 17, 19, 20, and 21 have been amended. Claims 1-3 and 5-22 are pending in the application.

In the Office Action, the Examiner rejected claims 1-3, 6-8, 15-17, and 19-22 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,319,542, issued to King, Jr. *et al.* (hereinafter King).

The present invention is concerned with preparing a shopping site on a Web-server, a URL (Uniform Resource Locator) for a group of specific type clients, which is separated from a web-server shopping site that is for use of unspecified clients and providing, to the group of these specific type clients, services different from those available for the unspecified clients, such as offer of discount prices.

The present invention, in particular, is concerned with holding sales promotion data items for a special offer such as a special sales catalog within a server belonging to a selling side party instead of terminals belonging to the client side, providing an address prepared for the group of the specific type clients only to the specific type clients and distinguishing each accessing client depending on which of the two addresses the client accesses to for differentiating available services between these two types of clients.

The following advantages will emerge for a user of the present invention system:

- (1) It is no more required to install sales promotion catalogs into client terminals.
- (2) Clients can review the most up-to-date promotion catalogs any time.

On page 2 of the Office Action, the Examiner alleges that King teaches a system for ordering items from a catalog and a private catalogue for selling items.

Applicants respectfully submit that King does not teach, "judging whether a customer is a constituent member of a group based on a network address." King discloses that access to a public catalog is provided via the use of access/download control functions, which is not tantamount to or equivalent to judging which group a customer belongs to based on the customer's network address.

On page 4 of the Office Action, in the "Response to Arguments" section, the Examiner asserts that King teaches, "judging whether a customer is a constituent member of a group based on a network address." According to the Examiner, "one inherently can determine if you have access to a private address."

On page 3 of the Office Action, the Examiner admits that King, “do not [sic] disclose the particular access control of judging if a customer is a member of a particular group based upon an address or > [sic] route used by the customer to gain access.” Applicants respectfully submit that the Examiner’s comments on page 3 and page 4 appear to contradict one another.

Applicants further respectfully submit that the doctrine of inherency holds that for anticipation to inherently or implicitly occur, the alleged taught feature must occur in the reference. If the feature may occur, the doctrine of inherency cannot be appropriately relied upon.

In the current instance, the Examiner asserts that a determination can be made that a user is a member if the user has access to a private address. Applicants respectfully submit that such a determination does not necessarily have to follow. For example, a user may not normally be able to access a particular private address due to the user not being a member of the particular private group associated with the private address. The user may be provided with a “cookie” or temporary pass to allow temporary relinquishment to be placed on the restriction to access of the private address. In such an instance, although the user has access to the private address, the user is still “not a member.”

Therefore, the doctrine of Inherency cannot be appropriately relied upon, as the feature of the present invention does not necessarily implicitly occur in the Examiner’s proposed situation. In light of the foregoing, claim 1 is patentable over the reference, as the reference fails to teach, “judging whether a customer is a constituent member of a group based on a network address.”

Moreover, currently amended claim 1, for example, includes the language, “a network address of a shopping site.” Applicants respectfully submit that King is silent regarding “a network address of a shopping site.”

As independent claims 6-7 and 15-21 recite language similar to that of independent claim 1, Applicants present the same argument presented above for the additional claims. As dependent claims 2-3 and 10-14 depend from independent claims 1 and 9, respectively, the dependent claims are patentable over the reference for at least the reasons presented above for claim 1.

On page 2 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over King in view of Kepecs. The Examiner admits that King does not disclose judging whether a customer is a member of a particular group based upon “an address or > route” used by the customer to gain access. The Examiner alleges, however, that Kepecs

discloses that identification keys may include the address of the customer or the e-mail address of the customer. Applicants respectfully submit that Kepecs fails to disclose or suggest, "judging whether the customer *is a constituent member of the particular group* based upon a network route used by the customer to gain access [emphasis added]."

Kepecs' key is merely for identifying a customer's account, not for judging whether a customer is a constituent member of a particular group based upon a network route. Moreover, the address or email address simply allows a customer to remain anonymous when accessing an account. The address or email address is not used to provide access. See Kepecs, column 9, lines 57-59. Therefore claim 5 is patentable over King in view of Kepecs.

At item 4 on page 3 of the Office Action, the Examiner rejected claims 9-14 and 18 under 35 U.S.C. § 103(a) over King in view of Kepecs. The Examiner admits that King does not disclose a certification information storage unit. The Examiner alleges, however, that Kepecs discloses a key database for storing identification information for each of the customers that allows the customers to gain access to the system. Kepecs fails to teach or suggest, a certification unit that checks whether a customer is a constituent member of a particular group based on a network address accessed by the customer.

As previously indicated, Kepecs' key appears to be for merely identifying a customer's account, not for checking whether a customer is a constituent member of a particular group. Moreover, the address or email address of Kepecs simply allows a customer to remain anonymous when accessing an account. Therefore, claims 9-14 and 18 are patentable over King in view of Kepecs.

In light of the foregoing, Applicants respectfully submit that the claims of the present invention are patentable over King in view of Kepecs, as neither King nor Kepecs, taken alone or in combination, teaches or suggests the above-identified features of the present invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

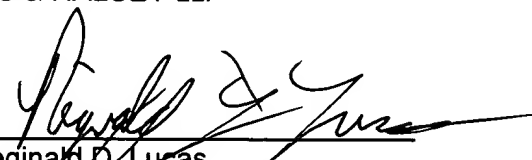
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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